

Honorable James L. Robart

United States District Court  
Western District of Washington At Seattle

Regina Wilkes,

Plaintiffs,

No. 17-cv-00165-JLR

vs.

Holland America Line Inc., a Washington  
Corporation; Holland America Line-USA  
Inc., a Delaware corporation; Holland  
America Line N.V. dba Holland America  
Line N.V. LLC, a foreign corporation; HAL  
Antillen N.V., a Curacao corporation, and  
HAL Nederland N.V., a Curacao corporation

Defendants.

**Joint Stipulation and Order  
for CR 35 Exam**

**I. Stipulation**

The parties hereto as evidenced by the signatures of their undersigned counsel have stipulated that Defendants may conduct a CR 35 examination in the manner set forth below.

Dated this 22nd day of November, 2017.

Dated this 22nd day of November, 2017.

*s/Gordon Webb*

*s/ Melody C. Chang - per e-mail authority*

Joint Stipulation and Order  
for Examination Under CR 35  
Page - 1

WEBB LAW FIRM  
225 106TH AVENUE NE  
BELLEVUE, WA. 98004  
PH. 425-454-3800

Gordon C. Webb, WSBA # 22777  
Webb Law Firm  
225 106<sup>th</sup> Avenue NE  
Bellevue, WA 98004  
Telephone: 425.454.3800  
Direct: 425.698.1081  
Fax: 425.307.6446  
E-mail: gordon@webblawfirm.net  
Attorney for Plaintiffs

Melody C. Chang, WSBA #51612  
Nicholas S. Politas, WSBA #50375  
Flynn, Delich & Wise LLP  
1420 5<sup>th</sup> Avenue, 3358  
Seattle, WA 98101  
Tel: 562.435.2626  
Fax: 562-437-7555  
E-mail: melodyc@fdw-law.com  
E-mail: nicholasp@fdw-law.com  
Attorney for Defendants

## II. Finding

After reviewing the case record to date and the basis for the order, this Court finds that the stipulated order of the parties as set forth below should be GRANTED.

## III. Order for CR 35 Exam

### IT IS HEREBY ORDERED that

1. The Plaintiff Regina Wilkes shall submit to a CR 35 examination by Dr. Charles N. Brooks on December 7, 2017, at 10:30 AM (check-in) at the offices of Karmen Executive Center, 40 Lake Bellevue Drive #100, Bellevue, Washington 98004 (Telephone: 425-454-2222). The exam shall last no longer than 2 hours, including check-in. Any change to the date or time will be provided by Defendants to Plaintiff as soon as possible, but within 48 hours of Defendants' notification of same;

2. Plaintiff's husband or some other observer may be present at the examination and may audio record it; however, any observer will not interfere with the examination. Defendants will not have a representative present at the exam;

3. The Defendants may have only one CR 35 exam.

1           4. Defendants' counsel shall keep the examiner's report(s) confidential, except for  
2 purposes of defending this case; specifically, Defendant's counsel shall not disclose the  
3 report(s) to any other person or insurer. At the end of the case, Defendants' counsel shall  
4 destroy copies of all reports and related documents, including Plaintiff's medical records;

5           5. The scope of the examination shall be limited to such matters as may be  
6 necessary to evaluate the Plaintiff's condition which is in controversy, to wit the nature and  
7 extent of injuries suffered by Plaintiff in the cruise ship incident which is the subject of this  
8 lawsuit;

9           6. The examiner shall submit his entire written report to Defendants' counsel  
10 within 20 days of completion of the exam. Counsel for Defendants shall send a copy of the  
11 report to Plaintiff's counsel within 10 days after receipt by Defense counsel;

12           7. Should Dr. Brooks not show up for the exam without a good faith basis no other  
13 exam will be allowed;

14           8. The examiner shall do no invasive tests which pierce the skin; nor shall the  
15 examiner conduct any x-rays or imaging studies;

16           9. No psychological or psychiatric tests may be given;

17           10. The examiner shall ask no questions regarding negligence or legal liability;  
18 however, the examiner may inquire into the effect of the impact upon the Plaintiff's body  
19 leading to injury, and Plaintiff's medical history and treatment prior to the subject accident;

20           11. The report of the examiner shall be detailed in writing and set forth separately

21               a. The examiners findings,

22               b. The results of all tests given,

- 1 c. The examiner's diagnosis, and  
2 d. The examiner's conclusions, including all opinions on subjects requested  
3 by Defense counsel.

4 12. In the event of a trial of this matter, the examiner shall be limited to testifying as  
5 to matters contained in his report disclosed to Plaintiff, and in rebuttal to medical testimony and  
6 evidence presented at trial.

7 13. Defendants will cover Plaintiff's travel cost at the standard IRS medial mileage  
8 rate, and pay for any parking cost associated with attending the exam.

9 **DONE IN OPEN COURT this 26<sup>th</sup> day of November, 2017.**

10   
11 **Judge James L. Robart**

12 **Presented By:**

13 *s/Gordon C. Webb*

14  
15 GORDON C. WEBB, WSBA #22777  
16 WEBB LAW FIRM  
225 106<sup>th</sup> Avenue NE  
17 Bellevue, WA 98004  
Telephone: 425.454.3800  
Direct: 425.698.1081  
18 Fax: 425.307.6446  
E-mail: gordon@webblawfirm.net  
19 Attorney for Plaintiffs

**Approved by, Copy Received:**

*s/ Melody C. Chang - per email authority*

Melody C. Chang, WSBA #51612  
Nicholas S. Politas, WSBA #50375  
Flynn, Delich & Wise LLP  
1420 5<sup>th</sup> Avenue, 3358  
Seattle, WA 98101  
Tel: 562.435.2626  
Fax: 562-437-7555  
E-mail: melodyc@fdw-law.com  
E-mail: nicholasp@fdw-law.com  
Attorney for Defendants